

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHAEL BRANCACCIO,

Petitioner,

v.

Case No. 08-14116
Hon. Lawrence P. Zatkoff

MILLICENT WARREN,

Defendant.

OPINION AND ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION AND DENYING
PETITIONER'S CERTIFICATE OF APPEALABILITY

This matter comes before the Court on Magistrate Judge Komives's Report and Recommendation [dkt 16], in which the Magistrate Judge recommends that the Court deny Petitioner's Petition for Writ of Habeas Corpus [dkt 1] and find that Petitioner is not entitled to a certificate of appealability. Rather than file an objection to the Report and Recommendation, Defendant has filed a Motion for Certificate of Appealability [dkt 17]. The time period in which to file an objection has elapsed.

The Court has thoroughly reviewed the court file and the Report and Recommendation. As a result of that review, the Court ADOPTS the Report and Recommendation and enters it as the findings and conclusions of this Court.

Accordingly, IT IS HEREBY ORDERED that Defendant's Petition for Writ of Habeas Corpus [dkt 1] is DENIED and Defendant's Motion for Certificate of Appealability [dkt 17] is DENIED.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: May 12, 2011

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on May 12, 2011.

S/Marie E. Verlinde

Case Manager

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